



CITY APPOINTEES
 MARY SHARP, VICE CHAIR
 SCOTT FLEMING
 MARGARET PRITCHARD
 JAMES TOLES
 ALFRED WASHINGTON

LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1976

JOSH WHITEHEAD, AICP, SECRETARY

CITY HALL - 125 N. MAIN ST., STE. 469 - MEMPHIS, TENNESSEE 38103 - (901) 576-6601



COUNTY APPOINTEES
 JON MCCREERY, CHAIR
 ROBERT NORCROSS
 JENNIFER O'CONNELL
 DESIREE LYLES WALLACE
 LISA WILBANKS

MINUTES

June 9, 2016

Meeting Attendance

LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairperson	Mary Sharp	X	
Member	Scott Fleming	X	
Member	Desiree Lyles Wallace	X	
Member	Robert Norcross	X	
Member	Margaret Pritchard	X	
Member	Jennifer O'Connell		X
Member	James Toles	X	
Member	Alfred Washington	X	
Member	Lisa Wilbanks	X	

Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Josh Whitehead called the roll. There was a quorum.

LUCB Staff: Calvin Abram, Brian Bacchus, Gene Burse, Don Jones, and Norman Saliba.

Others Present: Nathan Bicks, Nancy Brannan, Robert Craddock, Gloria Hayden, Tim McCaskill, John Morris, Brett Roler, Robert Schneider.

Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement.

Approval of Minutes: May 12, 2016

Board Member Pritchard made a motion to approve Minutes of May 12, 2016. The motion was seconded by Board Member Sharp. The motion passed unanimously.

Secretary's Report

Josh Whitehead reported and gave a brief update of the activity on a 4 year (2) cases lawsuits. The cases involved an applicant (Mr. Wills) regarding a 2-lot Subdivision that was rejected by the LUCB. The 2010 UDC did adopt any regulations as the rejection/approval of Subdivisions in account to the "Character of the Neighborhood" or on the grounds "By-Right" of the applicant. Amended language in the 1985 Subdivision Zoning Code made allowance for the denial of a subdivision, even if the design was within the guidelines of the Dimensional

Character but not within the Character of the Neighborhood. Josh noted that both cases had been rejected in Court and to his knowledge no appeals had been made. He added that the lots had been sold by Mr. Wills.

General Order of Public Hearing

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Lisa Wilbanks to be the Subdivision Chair and to read the Consent Agenda Items. The Consent Agenda Items were 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

Consent Agenda (Items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14)

- | | |
|--------------------------|--|
| 3. CASE NUMBER: | S.A.C. 16-08 & S.A.C. 16-09 |
| PROJECT LOCATION: | Commerce Avenue right-of-way between N Main and N 2nd Streets, and November 6th Alley right-of-way between Jackson Avenue and Interstate 40 |
| Request: | Close and vacate two (2) public rights-of-way within the Uptown Special Purpose District. |
| Staff's Recommendation: | Approval with Conditions |
| 4. CASE NUMBER: | S.A.C. 16-08 & S.A.C. 16-09 |
| PROJECT LOCATION: | Commerce Avenue right-of-way between N Main and N 2nd Streets, and November 6th Alley right-of-way between Jackson Avenue and Interstate 40. |
| Request: | Close and vacate two (2) public rights-of-way within the Uptown Special Purpose District. |
| Staff's Recommendation: | Approval with Conditions |
| 5. CASE NUMBER: | SE 16-01 |
| PROJECT LOCATION: | 493 DR. MARTIN L. KING JR. AVENUE |
| Request: | Special Exception to permit accessory parking in the front yard and accessory parking in the rear of the building within the South Downtown Residential District for a principal use located in the Sports and Entertainment District. |
| Staff's Recommendation: | Approval with Conditions |
| 6. CASE NUMBER: | PD 86-359 |
| PROJECT LOCATION: | 5900 WALNUT GROVE ROAD |
| Request: | Site plan approval for a building, parking lot, and associated private drive at the northwest corner of the |

- Staff's Recommendation: Christian Brothers High School campus.
Approval with Conditions
- 7. CASE NUMBER:** **P.D. 91-316**
PROJECT LOCATION: **3767 Contractors Place**
Request: Add vehicle sale, vehicle service and vehicle repair as permitted uses for Lot 6 (Parcel ID 093418 C00006) of the original Contractors Centre Planned Development (P.D. 91-316 CC).
Staff's Recommendation: Approval with Conditions
- 8. CASE NUMBER:** **P.D. 09-309 CO**
DEVELOPMENT NAME: **STANSELL CROSSING PLANNED DEVELOPMENT, 7TH Amendment.**
Request: Major modification to allow antennae array to protrude beyond the required maximum of thirty (30) inches from the face of the tower pole.
Staff's Recommendation: Approval of submitted Tower Elevation Plans with One (1) Condition
- 9. CASE NUMBER:** **PD 16-04**
PROJECT LOCATION: **263 Mendenhall Road**
Request: To allow a PD within an R-10 zoning district.
Staff's Recommendation: 30 Day Hold
- 10. CASE NUMBER:** **S.U.P. 00-255**
PROJECT LOCATION: **East side of Range Line Road; +/-395 feet north of Frayser Boulevard**
Request: Major modification to allow antennae array to protrude beyond the required maximum of thirty (30) inches from the face of the tower pole.
Staff's Recommendation: Approval of submitted Tower Elevation Plans
- 11. CASE NUMBER:** **Z 05-125 (COMPANION CASE: S.U.P. 05-219)**
DEVELOPMENT NAME: **RIDGEWAY-NONCONNAH CENTER C-P**
Request: Revise the conditions to allow a second dealership (Lincoln) on Lot 1.
Staff's Recommendation: Approval with Conditions
- 12. CASE NUMBER:** **S.U.P. 12-207**
PROJECT LOCATION: **1306 Monroe**
Request: Special Use Permit time extension to allow current land use in perpetuity.
Staff's Recommendation: Approval with Conditions

- 13. CASE NUMBER:** S.U.P. 12-221
PROJECT LOCATION: East side of Old Allen Road; +/-754 feet northeast of New Allen Road
Request: Major modification to allow a change in tower type from an enclosed canister design to flush mount antennae array to protrude beyond the required maximum of thirty (30) inches from the face of the tower pole.
Staff's Recommendation: Approval of submitted Tower Elevation Plans
- 14. CASE NUMBER:** SUP 16-07
PROJECT LOCATION: 1780 Bartlett Road
Request: To allow a used auto sales establishment within the CMU-3.
Staff's Recommendation: Approval with Conditions

Chairman McCreery asked if there were any items needed to be removed/pulled for discussion. Agenda Item 12 was requested to be pulled. He then asked for a motion to approve Consent Agenda Items 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14. Board Member Fleming recused himself from voting on Agenda Item 6. Board Member Wilbanks made a motion to approve Consent Agenda Items 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14 in agreement with staff's recommendations. The motion was seconded by Board Member Toles. The motion passed unanimously.

REGULAR AGENDA ITEMS:

Chairman McCreery introduced Board Member Pritchard who would serve as Zoning Chair and she then called the first case.

Item 1: CASE #: PD 16-06

- Request:** To allow a planned development, incorporating a stand-alone surface parking lot with the South Main zoning district.
Location: 287 S. Front Street
Applicant: Machine Tools of Memphis, Inc.
Applicant Representative: Tim McCaskill, McCaskill and Associates, Inc. – 7620 Appling Center Dr, Memphis, TN 38133.
Staff's Recommendation: Rejection

Chairman McCreery recognized the following persons who spoke from the audience in opposition of the case.

Bob Craddock, 303 Wagner Place, Memphis, TN 38103
John Morris, 17 W. Pontotoc, Memphis, TN 38103
Brett Roler, Downtown Memphis Commission, 114 N. Main St., Memphis, TN 38104

MOTION: Approval
MADE BY: Pritchard
SECOND: Wilbanks
NAYS: Fleming, Lyles-Wallace, McCreery, Norcross, Pritchard, Sharp, Toles
Washington and Wilbanks
2nd MOTION: Rejection, but forward to City Council with Staff's recommended
Conditions
MADE BY: Pritchard
SECOND: McCreery
AYES: Fleming, Lyles-Wallace, McCreery, Norcross, Pritchard, Sharp, Toles
Washington and Wilbanks

Item 1 – REJECTED

Item 2: CASE #: SUP 16-06

Request: To allow a 46.37 Acre expansion of gravel mining
operations.
Location: South side of Godwin Road, 113' east of Deadfall Road
Applicant: Standard Construction Company
Applicant Representative: Nathan Bicks, Burch, Porter & Johnson – 130 N. Court
Ave., Memphis, TN 38103.
Staff's Recommendation: Approval with Conditions

Chairman McCreery recognized the following persons who spoke from the audience in
opposition of the case.

Nancy Brannan, 10420 Godwin Road, Arlington, TN 38002

MOTION: Approval with a Friendly Amendment to Condition #46 [Concurrences of
Extractions]
MADE BY: Pritchard
SECOND: Wilbanks
AYES: Fleming, Lyles-Wallace, McCreery, Norcross, Pritchard, Sharp, Toles
Washington and Wilbanks

Item 2 – APPROVED AS AMENDED

Item 12: CASE #: S.U.P. 12-207

Request: Special Use Permit time extension to allow current land use
in perpetuity.
Location: 1306 Monroe
Applicant: Gloria Hayden
Applicant Representative: Tim McCaskill, McCaskill and Associates, Inc. – 7620
Appling Center Dr, Memphis, TN 38133.

Staff's Recommendation: Approval with Conditions
Chairman McCreery recognized the following persons who spoke from the audience in opposition of the case.

Robert Schneider, 1660 N. Parkway, Memphis, TN 38112 – home
1289 Madison Ave., Memphis, TN 38104 – rental property

MOTION: Approval with an Amendment of a Special Use Permit time extension of 5
Years
MADE BY: Pritchard
SECOND: Wilbanks
AYES: Fleming, Lyles-Wallace, McCreery, Norcross, Pritchard, Sharp, Toles
Washington and Wilbanks

Item 12 – **APPROVED AS AMENDED**

ADJOURNMENT:

There being no further business, the meeting there upon was adjourned.

MINUTES APPROVED: July 14, 2016

CHAIRMAN

SECRETARY